



Atty. Docket No.: 021286-0272501

16448
#8
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

WALKER R. FORCE et al.

Serial No.: 10/040,244

Filed: OCTOBER 26, 2001

Title: ISOLATION AND
CHARACTERIZATION OF HIGHLY ACTIVE
ANTI-CD40 ANTIBODY

Group Art Unit: 1644

Examiner: TBA

I hereby certify that this paper and
attached papers are being deposited with the United
States Postal Service as first class mail in an envelope
addressed to: Assistant Commissioner for Patents
Washington, DC 20231, on this date.

Date

Karyn A. Massie

TRANSMITTAL

United States Patent and Trademark Office
Assistant Commissioner for Patents
Washington, D.C 20231

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JUL 23 2002

TECH CENTER 1600/2900

Sir:

Transmitted herewith in the above-identified application are the following documents:

1. Declaration and Power of Attorney of Inventors;
2. Copy of Notice to File Missing Parts;
3. Check in the amount of \$ 290.00 (first month's extension fee and surcharge for filing
declaration late, paid June 11, 2002); and
4. Return Postcard.

Respectfully submitted,

By:

ROBERT M. BEDGOOD
Reg. No.: 43,488
Tel. No.: (858)-509-4065
Fax No.: (858)-509-4010

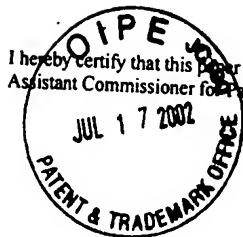
CUSTOMER NUMBER 27500
PILLSBURY WINTHROP LLP
11682 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130

07/22/2002 AOSMAN1 00000079 10040244

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290.00 0P

70022318v1



CERTIFICATE OF MAILING

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on July 12, 2002.

By: Karyn H. Massie

Karyn H. Massie

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FILING COMPLETION UNDER RULE 53(f)

(NOT PCT Applications)
For Design, Provisional, or Utility ApplicationsPATENT
APPLICATIONCOMPLETION Under
Rule 53(f)In re PATENT APPLICATION of
Inventor(s): WALKER R. FORCE, et al.

Appln. No.: 10 040,244

Series Code 1

Serial No. 1

Atty. Dkt. P

021286

M#

0272501

Client Ref

Filed: October 26, 2001

Title: ISOLATION AND CHARACTERIZATION OF HIGHLY ACTIVE ANTI-CD40 ANTIBODY

Attn: Application Division

Hon. Commissioner of Patents
Washington, DC 20231

Date: June 11, 2002

RECEIVED

JUL 23 2002

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

1. Notice to File Missing Parts ☒ copy attached ☐ not yet received
2. ☒ Signed Declaration attached. ☒ Original ☐ Facsimile/Copy

(Always "X" box 2 if filling signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or
"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

- 2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.
- 2B. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.
3. ☐ Specification originally filed in non-English language; hence verified translation attached of:
 - a. ☐ Abstract
 - b. # pages of Specification (only spec. & claims)
 - c. ☐ Drawing(s) No of Sheets
 - ☐ Fig(s).
4. ☐ Letter filing formal drawing attached.
5. ☐ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.
6. DOMESTIC/INTERNATIONAL priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1) 60/200,601	April 28, 2000	(2) 09/844,684	April 27, 2001
(3)		(4)	

(5)

(6)

7. **FOREIGN** priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in _____

8.

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	

9. _____ (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date) _____
in U.S. Application No. _____ / filed on _____10. Small Entity Status ☒ is Not claimed ☐ is claimed (file PAT-256 if this is the first claim of Small Entity Status)11. ☒ Attached: Check in the amount of \$ 290.00 and return postcard12. ☐ Please see the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY
CHANGED BY PRELIMINARY AMENDMENT PER ITEM 12 ABOVE**

				Large/Small Entity		Fee Code
13. Basic Filing Fee Design Application				\$330/\$165		106/26
Not Design Application				\$740/\$370	+0	101/201
14. Total Effective Claims		minus 20 =		x \$18/\$9	+0	103/203
15. Independent Claims		minus 3 =		x \$84/\$42	+0	102/202
16. If <u>any proper</u> multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)				\$280/\$140	+0	104/204
17. Surcharge for filing Declaration/filing fee late				\$130/\$65	+	105/205
18.				FILING FEE = \$		
19. Original due date: June 10, 2002						
20. Petition is hereby made to extend the <u>original</u> due date to				(1 mo)	\$110/\$55 =	115/215
cover the date this response is filed for which the requisite fee				(2mos)	\$400/\$200 =	+290 116/216
is attached				(3mos)	\$920/\$460 =	117/217
				(4mos)	\$1,440/\$720 =	118/218
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee				\$130	+0	139
22. If "assignment" box 5 is X'd, add recording fee.				\$40	+0	581
23. Petition Fee for				\$130	+0	
24.				TOTAL FEE = \$290		

FEE ENCLOSED

Our Deposit Account No. 03-3975

Our Order No. 021286 0272501

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP
Intellectual Property Group**

11682 El Camino Real, Suite 200
San Diego, CA 92130-2593
Tel: (619) 234-5000

By Atty: Robert M. Bedgood, Ph.D.

Reg. No. 43,488

Sig: 

Fax: (858) 509-4010
Tel: (858) 509-4065

Atty/Sec: RMB/kfm

NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments

CERTIFICATE OF MAILING

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:
 Assistant Commissioner for Patents, Washington, D.C. 20231 on July 13, 2002.



By: Karyn R. Massie
 Karyn R. Massie

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY OF PAPERS
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FILING COMPLETION UNDER RULE 53(f)

(NOT PCT Applications)
 For Design, Provisional, or Utility Applications

PATENT
APPLICATION

COMPLETION Under
Rule 53(f)

In re PATENT APPLICATION of
 Inventor(s): WALKER R. FORCE, et al.
 Appln. No.: 10 040,244

Attn: Application Division

Series Code \uparrow	Serial No. \uparrow	Atty. Dkt. <u>P</u>	<u>021286</u> M#	<u>0272501</u> Client Ref
------------------------	-----------------------	---------------------	---------------------	------------------------------

Filed: October 26, 2001

Title: ISOLATION AND CHARACTERIZATION OF HIGHLY ACTIVE ANTI-CD40 ANTIBODY

Hon. Commissioner of Patents
 Washington, DC 20231

Date: June 11, 2002

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 JUL 23 2002

Sir:

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1. **Notice to File Missing Parts** ☒ copy attached ☐ not yet received
2. ☒ Signed Declaration attached. ☒ Original ☐ Facsimile/Copy

(Always "X" box 2 if filing signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or

"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.

2B. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.

3. ☐ Specification originally filed in non-English language; hence verified translation attached of:

a. ☐ Abstract

b. ☐ # pages of Specification (only spec. & claims)

c. ☐ Drawing(s)

No of Sheets

☐ Fig(s).

4. ☐ Letter filing formal drawing attached.

5. ☐ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.

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(3)		(4)	

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7. **FOREIGN** priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing (6)
- 8.

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	

9. (No.) Certified copy (copies): in U.S. Application No. 1 ☐ attached; ☐ previously filed (date) filed on
10. Small Entity Status ☒ is Not claimed ☐ is claimed (file PAT-256 if this is the first claim of Small Entity Status)
11. ☒ Attached: Check in the amount of \$ 290.00 and return postcard
12. ☐ Please see the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY CHANGED BY PRELIMINARY AMENDMENT PER ITEM 12 ABOVE

		Large/Small Entity	Fee Code
13. Basic Filing Fee		Design Application \$330/\$165 Not Design Application \$740/\$370	106/26 101/201
14. Total Effective Claims	minus 20 =	x \$18/\$9	+0 103/203
15. Independent Claims	minus 3 =	x \$84/\$42	+0 102/202
16. If <u>any</u> proper multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)		\$280/\$140	+0 104/204
17. Surcharge for filing Declaration/filing fee late		\$130/\$65	+ 105/205
19. Original due date: June 10, 2002		FILING FEE = \$	
20. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo) \$110/\$55 = (2mos) \$400/\$200 = (3mos) \$920/\$460 = (4mos) \$1,440/\$720 =	+290 115/215 116/216 117/217 118/218
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee		\$130	+0 139
22. If "assignment" box 5 is X'd, add recording fee		\$40	+0 581
23. Petition Fee for		\$130	+0
24.		TOTAL FEE = \$290	

Our Deposit Account No. 03-3975

Our Order No. 021286

C#

0272501

M#

FEE ENCLOSED

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP
Intellectual Property Group**

By Atty: Robert M. Bedgood, Ph.D.

Reg. No. 43,488

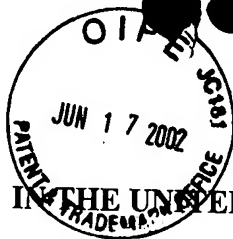
Sig: [Signature]

Fax: (858) 509-4010
Tel: (858) 509-4065

11682 El Camino Real, Suite 200
San Diego, CA 92130-2593
Tel: (619) 234-5000

Atty/Sec: RMB/kfm

NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments



021286-0272501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
WALKER R. FORCE, et al.

Group Art Unit: 1644

Examiner: TBA

Serial No.: 10/040,244

Filed: OCTOBER 26, 2001

Title: ISOLATION AND
CHARACTERIZATION OF HIGHLY ACTIVE
ANTI-CD40 ANTIBODY

STATEMENT TO SUPPORT FILING AND SUBMISSION
IN ACCORDANCE WITH 37 C.F.R. §1.821-1.825

United States Patent and Trademark Office
Attn: Box Sequence
P.O. Box 2327
Arlington, VA 22202

Sir:

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c), (e), (f) and (g), or § 1.825(d) and (b), respectively, are the same.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being mailed by First Class service of the United States Postal Services on the date shown below in an envelope addressed to the United States Patent and Trademark Office, Attn: Box Sequence, P.O. Box 2327, Arlington, VA 22202.

Dated: 6/11/02

By: 
SUZANNE L. SIMPSON

Applicant respectfully submits that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing and includes no new matter.

Respectfully submitted,

Pillsbury Winthrop LLP

By: _____

ROBERT M. BEDGOOD

Reg. No.: 43,488

Tel. No.: (858) 509-4065

Fax No.: (858) 509-4010

CUSTOMER NUMBER 27500

PILLSBURY WINTHROP LLP
11682 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being mailed by First Class service of the United States Postal Services, on the date shown below in an envelope addressed to the United States Patent and Trademark Office, Attn: Box Sequence, P.O. Box 2327, Arlington, VA 22202.

Dated: _____

By: _____
SUZANNE L. SIMPSON



UNITED STATES PATENT AND TRADEMARK OFFICE



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/040,244	10/26/2001	Walker R. Force	021286/027 2501

CONFIRMATION NO. 9259

FORMALITIES LETTER

Gemini Science, Inc.
4275 Executive Square Drive., #940
La Jolla, CA 92037

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OC000000007638538

Date Mailed: 04/10/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

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FILED UNDER 37 CFR 1.53(b)

JUL 23 2002

Filing Date Granted

TECH CENTER 1600/2900

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1944.
 - \$180 for 10 total claims over 20.
 - \$1764 for 21 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2814.

The application is Informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
 - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*
- Substitute drawings in compliance with 37 CFR 1.84 because:

- drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE